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FOR PUBLICATION

IN THE SUPERIOR COURT  
OF THE  
COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE THE MATTER OF:

OFFICE OF THE ATTORNEY  
GENERAL AND DIVISION OF  
IMMIGRATION

AMENDED GENERAL ORDER  
DISMISSING ALL PENDING  
IMMIGRATION CASES

This is the final and last order of one of the only two non federal immigration courts under the United States Flag and is one of historical significance as it marks the end of an unusual era and closes the chapter on what could be categorized as one of the most unique immigration arrangements in US history.<sup>1</sup>

The immigration calendar of the Commonwealth Superior Court is the only one in the CNMI judiciary that the U.S. Public Law No. 110-229, which takes effect at midnight tonight, affects directly. It was therefore deemed appropriate by this Court to briefly document the history of the unique opportunity it was for the CNMI to have controlled its own immigration.

The unusual era I speak of is the exemption from the U.S. Immigration law which commenced when the Commonwealth of the Northern Mariana Islands was established in 1978 as a commonwealth in political union with the United States. The document that detailed the very special and unique relationship that the

<sup>1</sup>American Samoa is exempt from U.S. Immigration and exercises its own power of immigration control.

1 CNMI would have in its relations with the United States is the COVENANT TO ESTABLISH A  
2 COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS IN POLITICAL UNION WITH THE  
3 UNITED STATES OF AMERICA, (Covenant). This document became a United States Public Law codified  
4 as 48 U.S.C. 1801 and was a proud and historical moment for the people of the Northern Mariana Islands,  
5 which, among other things, granted the people of the NMI U.S. citizenship.

6 Within the Covenant were provisions providing for self government and the exemptions of the  
7 applicability of several U.S. laws. One in particular, was the CNMI's exemption from US immigration law,  
8 which in effect, allowed the continued control of immigration that the former jurisdiction of the Trust  
9 Territory had in the Trust Territory District of the Northern Mariana Islands. The CNMI continued to use  
10 the immigration law as set forth by the Trust Territory until it adopted its own law in 1983.

11 The power to formulate immigration policy in the CNMI has been vested in the Commonwealth  
12 Legislature pursuant to Section 503 of the Covenant. The Commonwealth, since January 9, 1978 has been  
13 its own sovereign with respect to immigration matters. The Commonwealth has been analyzing, deciding  
14 and deliberating on immigration issues, whether it is in allowing aliens entry to enter the CNMI or to deport  
15 them from the CNMI, as well as to prescribe conditions for their stay here, and it has been the application  
16 of Commonwealth immigration law and not the immigration law of the United States that has controlled. Said  
17 power ceases to exist midnight of this day.

18 Over the years, the Commonwealth Superior Court has been deeply involved in the immigration  
19 powers exercised by the Commonwealth, and this Court has handled the immigration calendar for eight years.  
20 Along with my colleagues and other Judges before us, we have acted upon thousands of deportation cases  
21 over the last 32 years, as well as conducting judicial reviews of administrative decisions to refuse entry to  
22 persons arriving in the CNMI. The said U.S. Public Law, also referred to as the federalization law, removes  
23 the CNMI's right to exercise any jurisdiction whatsoever with respect to immigration within the CNMI, and  
24 will officially close this chapter of CNMI history.  
25

1 This Court will no longer have any authority to determine the immigration status of any person before  
2 the Court, including more than two hundred cases now pending. The legal immigration status of those  
3 respondents pending before the court, as well as any others will now be determined by the U.S. Immigration  
4 officials.

5 So today I am entering an order dismissing all of the pending deportation cases in the Commonwealth  
6 Superior Court. The Attorney General's Office may refer these matters to the Immigration and Customs  
7 Enforcement agency, which is a part of the Department of Homeland Security (DHS), as they see fit. The  
8 U.S. Executive Office for Immigration Review will be setting up an Immigration Court here in the  
9 Commonwealth that will begin operations next week.

10 In view of the foregoing, the court now closes the 32 year immigration calendar and orders as  
11 follows:

12 **IT IS HEREBY ORDERED**

13 Any and all petitions and other forms of litigation dealing with immigration matters brought by the  
14 Attorney General's Office and the Department of Immigration now pending, without a final order of  
15 deportation, before the Commonwealth Superior Court are hereby dismissed.

16  
17 **SO ORDERED** this 27<sup>th</sup> day of November, 2009.

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20 **DAVID A. WISEMAN, Associate Judge**  
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